

Memorandum

TO: Ravalli County Planning Department

FROM: Land Use Clinic, University of Montana School of Law

DATE: May 20, 2007

RE: Highway 93 S Corridor: Options for Proposed Wildlife Crossing Overlay District

Proposed Wildlife Crossing Overlay District with Buffer/Setback Approach

The proposed draft overlay uses a buffer (100 feet) and setback (100 feet) approach that extends to the Highway 93 S Corridor border (1/2 mile from highway right-of-way) for large mammal crossings and is applied to a specific habitat feature for the small animal crossing structures. The buffer provides animals an area of little increased human disturbance, while the setback provides an area where many human activities occur but where new structures with resulting increased disturbance cannot be added. This provides the most protection of the lands approaching the wildlife crossing structures.

Proposed Wildlife Crossing Overlay District with Buffer

If there is concern over the complexity of the buffer/setback approach for enactment or enforcement, an alternative option is provided. Rather than a buffer and setback with separate provisions, a proposed overlay with one buffer (150 feet) with little allowed increased human disturbance has been drafted. This maintains the protective area for wildlife but eliminates the complexity of a setback with different allowed uses. Beyond eliminating the setback and making changes to allowed uses, little else is different from the Sample Wildlife Crossing Overlay District with Buffer/Setback Approach.

Proposed Wildlife Crossing Overlay District with Corridors

While the draft overlay with a buffer or buffer/setback system extending to the Highway 93 S Corridor boundary protects the movement areas approaching the wildlife crossing structures, it is likely not sufficient to maintain long-range wildlife movement from one large core habitat to the next across the valley. These long-range movements are valuable for seasonal requirements of food and cover that may vary across different times of year. Additionally, regional populations need movement between them to find new mates, which allows genetic interchange and reduces the chance of one population going locally extinct. Corridors that are relatively undisturbed help these dispersing animals move more safely by avoiding human-caused death they might have incurred moving elsewhere.

To facilitate these important long-range movements between large, intact habitat patches, corridors can be added to the overlay district, using the same buffer/setback or buffer system to protect corridors between core habitats. A version of the draft overlay has been drafted that is essentially the same as the Sample Wildlife Crossing Overlay District with Buffer/Setback and the Buffer Approach but includes provisions for the buffer to be lengthened beyond the half-mile Highway 93 S Corridor boundary in order to connect selected public and other suitable lands. It is suggested that at least 3 relatively intact riparian areas that run roughly the width of the valley be prioritized as corridors, to maintain these movements vital to the long-term viability of local wildlife populations.